HIGH COURT OF UTTARANCHAL AT NAINITAL.

Urgency Application No. 251 of 2005
In
Writ Petition No. 228 of (S/S) 2003

Smt. Suman Virdi,
Wife of Sri Vinod Kumar Virdi,
Lecturer,
Rajkiya Inter College, Herbertpur,
Dehradun.

....**Petitioner.**

Versus

1. State of Uttaranchal through Secretary, Education, Uttaranchal at Dehradun.
2. Education Director, State of Uttaranchal, Dehradun, Uttaranchal.
3. Assistant Director Education, Uttaranchal Camp Office, Dehradun.
4. State of U.P. through Secretary Education, Lucknow.

....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri V.K. Kohli, learned counsel for the petitioner learned Standing Counsel for State of Uttaranchal, who has accepted notices on behalf of respondent nos. 1 to 3 and learned Standing Counsel for State of U.P. who has accepted notices on behalf of respondent no. 4.

Learned counsel for the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the direction/decision dated 2.5.2003 passed by Uppar Shiksha Nideshak, Garhwal Mandal, Pauri by which Deputy Inspector of School is directed to relieve

the petitioner for State of U.P. treating her as candidate of plain cadre.

The contention of the petitioner is that petitioner is permanent resident of State of Uttaranchal. She was born in District – Dehradun and she was initially appointed in the hill region of the then State of U.P. Since she is continuously working in the hill region till date as such the order dated 2.5.2003 treating the petitioner to be of plain cadre candidate is against the direction issued by the Central Government dated 11.9.2001.

On 17.6.2003, this court stayed the operation of order dated 2.5.2003 and granted three weeks' time to learned standing counsel to file counter affidavit. No counter affidavit has been filed till date.

The State of Uttaranchal has finally issued seniority list on 22.6.2004 and the petitioner's name has found place in the seniority list at serial no. 448.

Thus, the grievance of the petitioner ahs already been redressed by the Department, and decision/ direction dated 2.5.2003 issued by Uppar Shiksha Nideshak, Garhwal Mandal Pauri has become infructuous.

In view of the aforesaid discussion, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

February 22, 2005
SKS